

R E M A R K S

I. Introduction

In response to the pending Office Action, Applicants have amended claims 6, 13, 20 and 27 to further clarify the subject matter of the present invention. Claims 1-5, 12, 15-19 and 26 have been cancelled, without prejudice. No new matter has been added. For the reasons set forth below, it is respectfully submitted that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1-28 Under 35 U.S.C. § 102

Claims 1-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ward (GB 2,284,318). Applicants respectfully submit that Ward fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, amended claims 6 and 13 each recite, in-part, a flicker detecting method comprising an extracting step of extracting a fluctuation cycle of lightness difference between adjacent lines of pixels (in each of the plurality of blocks) from a result of the comparing step. Similarly, claims 20 and 27 recite a flicker detecting apparatus comprising an extracting means for extracting a fluctuation cycle of lightness difference between adjacent lines of pixels from a result of the comparing means.

One feature of the present invention is that the flicker detecting method or apparatus extracts a fluctuation cycle of lightness difference between adjacent lines of pixels. This makes it possible to extract the cycle of the light source, not just the absolute value of the lightness, as disclosed in the prior art. Furthermore, the invention also makes it possible to extract the

blinking cycle of the light source by determining whether lightness difference between adjacent lines is in the plus or minus direction.

In contrast to the present invention, Ward fails to disclose a step or means for extracting a fluctuation cycle of lightness difference between adjacent lines of pixels. In Ward, the small lightness difference between the adjacent lines is ignored and only the large fluctuation is detected (see, page 7, line 27 – page 8, line 4 of Ward). As a result, the invention of Ward is unable to detect the cycle of the light source. Accordingly, Ward does not teach or suggest the above cited limitation of claims 6, 13, 20 and 27 of the present invention.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), and at a minimum, Ward does not disclose an extracting means or step for extracting a fluctuation cycle of lightness difference between adjacent lines of pixels from a result of the comparing means, it is clear that Ward does not anticipate claims 6, 13, 20 and 27, or any claim dependent thereon.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 6, 13, 20 and 27 are patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS:

Figures 10-13 have been amended to include the legend "Prior Art" to indicate that these figures represent prior art. Four (4) Replacement Drawing Sheets are attached.